

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of MERRIT DEMON MCCRAY, JR.,  
Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

V

MERRIT DEMON MCCRAY

Respondent-Appellant,

and

SARA FRASIER,

Respondent.

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In the Matter of KIARA C. FRASIER and MERRIT  
DEMON MCCRAY, JR., Minors.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

V

SARA M. FRASIER,

Respondent-Appellant,

and

MERRIT DEMON McCRAY,

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UNPUBLISHED  
June 19, 2003

No. 244452  
Bay Circuit Court  
Family Division  
LC No. 01-007192-NA

No. 244561  
Bay Circuit Court  
Family Division  
LC No. 01-007192-NA

Respondent.

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Before: Markey, P.J., and Saad and Wilder, JJ.

PER CURIAM.

Respondents appeals by right from the trial court's order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, the trial court must terminate parental rights unless it determines that to do so is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the children's best interests. *Id.*

On the record presented for our review, we find that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Evidence presented at trial demonstrated that both respondents engaged in pervasive criminal conduct for which they were incarcerated. At one point, both respondents were incarcerated simultaneously and were completely unavailable to parent their children, thus requiring the children to remain in foster care.

Further, testimony established that neither respondent had much success in sustaining legal employment for any appreciable length of time or in maintaining an appropriate residence. Indeed, respondent mother testified that the longest time that she remained gainfully employed was only six to eight months. Similarly, although respondent father testified insisted that he worked for his uncle repairing automobiles and received approximately \$200 per week "under the table," he never provided any verification of his employment. Moreover, this income would not be sufficient to maintain the "well-furnished" home that respondents shared before they were both imprisoned.

Furthermore, neither respondent made any significant progress on the conditions contained in the Parent Agency Treatment Plan and thus failed to diligently work toward reuniting with their children. Although Families First affected a positive intervention early in the case, the record clearly established that after the twenty-eight day program concluded, the family unit rapidly decayed. Moreover, at the time of trial, both parents were recently released from prison and thus did not have adequate housing. While respondent father believes that because of his lengthy imprisonment he was entitled to additional time to sufficiently rehabilitate himself, as the trial court appropriately recognized, his child waited long enough for him to become an effective parent. Indeed, as a result of their criminal activities, both parents were placed on probation and thus had to satisfy stringent conditions to avoid returning to prison for substantial

periods of time. These children need and deserve a stable and secure home environment and should not be compelled to wait for respondents to become acceptable parents.

Furthermore, we find that the evidence did not demonstrate that termination of respondents' parental rights was antithetical to the best interests of the children. MCL 712A.19b(5); *Trejo, supra* at 356-357. Given respondents' sundry incarcerations, exacting probationary requirements, and their failure to provide a stable living environment and maintain a legal source of income, the trial court did not clearly err in its findings. Consequently, the trial court did not err in terminating respondents' respective parental rights.

We affirm.

/s/ Jane E. Markey  
/s/ Henry William Saad  
/s/ Kurtis T. Wilder